

### REMARKS

The Office Action of July 14, 2004 has been carefully considered.

Objection has been raised to Fig. 1, and a replacement sheet has been provided with labels.

Objection has been raised to claims 1-4, 12, 14 and 16 on the basis of cited informalities. These informalities have now been corrected as suggested in the Office Action.

Claims 1-19 have been rejected under 35 USC 112, 1<sup>st</sup> paragraph, on the basis that claim 1 lacks enablement. The Office Action alleges that a combination of a service collection unit and an aggregator is not taught in the specification.

Applicants disagree with this allegation. Note, for example, that the paragraph bridging pages 3 and 4 states that the apparatus includes both a service collection unit and an aggregator.

Moreover, the portions of the specification cited in the Office Action also support claim 1. While one embodiment of a services collection unit is shown in Fig. 4, and described on pages 10-13, page 13 at lines 9-11, states:

"From the transceivers 94, the data is sent over the access or metro access network to an aggregator 100, one embodiment of which is shown in block diagram form in FIG. 5."

Thus, the data output of the service collection unit is sent to the aggregator, and both units are part of the invention as disclosed. The service collection unit and the aggregator are separate modules having substantially mirror image functions, best shown in separate drawings. However, both units are required in the system in order to transmit services from a source to a destination.

Claim 1 has now been amended to clarify the claim as

supported in the specification at page 3, lines 19-23, page 6, lines 5-12, and page 8, lines 9-10.

Withdrawal of this rejection is requested.

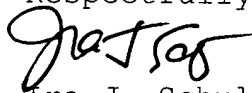
Claim 1 has been provisionally rejected on grounds of obviousness-type double patenting over claim 1 of co-pending application serial no. 09/753,399.

Co-pending application serial no. 09/753,399 was filed on the same date as the present application and is generally directed to the same invention. However, the co-pending application claims only a method, and the present application claims only an apparatus. These applications were separately filed on the belief that apparatus and method claims would not have been examined together in the same application.

Should the Examiner believe that a terminal disclaimer is still appropriate after considering the amendments in both applications, Applicants will file a terminal disclaimer when allowable subject matter is indicated.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



Ira J. Schultz

Registration No. 28666

**IN THE DRAWINGS:**

Please replace Fig. 1 as filed with Fig. 1 (replacement sheet) as attached hereto.

LAW OFFICES  
DENNISON, SCHULTZ, DOUGHERTY & MACDONALD  
SUITE 105  
1727 KING STREET  
ALEXANDRIA, VIRGINIA 22314-2700  
703 837-9600